



Atty. Dkt. No. 023829-0129

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Stark et al.  
Title: PROTEIN SUPPLEMENTED  
FROZEN DESSERT  
COMPOSITIONS  
Appl. No.: 09/883,849  
Filing Date: 06/18/2001  
Examiner: Anthony J. Weier  
Art Unit: 1761

**CERTIFICATE OF EXPRESS MAILING**  
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

EV 227049507 US August 21, 2003  
(Express Mail Label Number) (Date of Deposit)

Deborah Kocorowski  
(Printed Name)

[Signature]  
(Signature)

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(c), before the mailing date of either a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.113, or an action that otherwise closes prosecution in the application.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Reference A1 listed on Form PTO-1449, U.S. Patent Application Publication No. 2003/0064121 A1, corresponds to PCT International Application No. PCT/US02/22741, International Publication No. WO 03/007976 A1.

Reference A2 listed on Form PTO-1449, U.S. Patent Application Publication No. 2003/0045689 A1, corresponds to PCT International Application No. PCT/US02/01072, International Publication No. WO 02/056701 A2.

Reference A3 listed on Form PTO-1449, U.S. Patent Application Publication No. 2002/0197384 A1, corresponds to PCT International Publication No. PCT/US02/11140, International Publication No. WO 02/080697 A1.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.


**FEE**

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(c) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date Aug. 21, 2003

By 

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Form PTO-1449 (MODIFIED)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 023829-0112	SERIAL NO. 09/883,552
<b>INFORMATION DISCLOSURE CITATION</b> (Use several sheets if necessary)		APPLICANT Porter et al.	
		FILING DATE 06/18/2001	GROUP ART UNIT 1761

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A1	2003/0064121 A1	04/03/2003	Konwinski et al.			
	A2	2003/0045689 A1	03/06/2003	Monagle et al.			
	A3	2002/0197384 A1	12/26/2002	Singh			

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## FOREIGN PATENT DOCUMENTS

	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include any copy of this form with next communication to applicant.	